

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/055,666

Filed: January 22, 2002

Inventors:

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Examiner: Nguyen, Dustin

Group/Art Unit: 2154

Atty. Dkt. No: 5681-07700

Title: Resource Identifiers for a
Peer-To-Peer Environment

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated below.

Claims 1-2, 4-20, 30-41 and 48-49 and 51-79 are pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the additional dependent claims, will be presented if and when the case proceeds to Appeal.

The Examiner rejected claims 1, 2, 4-13, 15, 17-20, 30-37, 39, 48, 49, 51-59, 61, 63, 65-74, 76 and 78 under 35 U.S.C. § 102(e) as being anticipated by Weisman et al. (U.S. Publication 2002/0112058) (hereinafter "Weisman"). Applicants respectfully traverse this rejection for at least the reasons below.

Regarding claim 1, Weisman fails to disclose that each of the plurality of peer nodes is further configured to access another of the plurality of peer nodes on the network using the unique peer identifier of the other peer node, wherein the peer node does not use a network address of the other peer node to access the other peer node. The Examiner cites paragraphs 863-904 of Weisman. However, the cited passage does not describe a peer node accessing another peer node using the unique peer identifier of the other peer node, wherein the peer node does not use a network address of the other peer node to access the other peer node. Instead, this passage describes the contents of the NOTIFY multicast message that a device broadcasts when added to the network.

Weisman teaches that to access another device, messages are sent to the device's control URL, which is a combination of the network URL of the device and a unique identifier for the particular target service on the device. Specifically, Weisman teaches that a service's control URL includes the path to the device, the UDN of the device, the service ID and a randomly generated string (Weisman, paragraphs 122, 130-137, 815, and 1148 - 1150). Since a device's control URL is not independent of, and clearly

uses, the network address of the device, Weisman fails to teach a peer node accessing another peer node using the unique peer identifier of the other peer node, wherein the peer node *does not use a network address* of the other peer node to access the other peer node.

In the response to arguments, the Examiner cites paragraphs 45, 122, 131-137, 183 and 376 of Weisman and describes how Weisman's Web Server invokes an automation proxy for a service to cause the service to execute a control request. The Examiner states Weisman's device host API sets up control URL's of hosted devices to point to the Web Server. The Examiner further describes how Weisman's system format the URL and uuid that make up the address used to invoke control requests on the service object.

However, the Examiner's remarks actually support Applicants' argument. The Examiner states that "Weisman discloses the Device Host API sets up the control URLs of hosted devices 108-110 to point to the Web Server, when the Web Server receives an HTTP request *with one of the hosted devices' control URLs*, the Web Server invoke[s] the Automation Proxy for the service to execute the control request" (italics, added). Thus, the Examiner states that the URL a hosted device is used to access a hosted device via the Web Server on the same machine as the hosted device. Thus, in Weisman's system a network address (URL) is used when one peer is accessing another. The fact that Weisman's system also includes other information, such as the uuid does not change the fact that a network address is also used.

Anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The **identical** invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Weisman fails to disclose where each of the plurality of peer nodes is further configured to access another of the plurality of peer nodes on the network using the unique peer identifier of the other peer node, wherein the peer node does not use a network address of the other peer node to access the other peer node. Therefore, Weisman cannot be said to anticipate claim 1.

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claims 30, 48 and 66.

Regarding claim 2, Weisman fails to disclose where each of the plurality of peer nodes is further configured to bind a peer identifier corresponding to the particular peer node to the network address of the particular peer node. The Examiner cites paragraphs 181-124 of Weisman. The cited passage describes the addressing within Universal Plug-n-Play (UPnP) networking. Weisman teaches that a device may use an automatic IP addressing facility to obtain an address. However, the cited passage does not mention any peer nodes configured to *bind a peer identifier* corresponding to the particular peer node *to the network address* of the particular peer node. Instead, the cited passage only describes how a peer node may automatically obtain, such as via DHCP, an IP address. Weisman does not describe any peer node binding a peer identifier to a network address of a particular peer node.

In the response to arguments, the Examiner cites paragraphs 833 – 837 of Weisman referring to Weisman's mapping of a device's DNS name to its IP address. However, the cited passages make no mention of a peer node binding a peer identifier of another peer node to the network address of the other peer node. Instead, Weisman describes how a computer that needs to contrast a device may use a DNS query to discover the devices IP address. Merely discovering an IP address of another device cannot be considered *binding* a peer identifier to a network address. Weisman states that the DNS mappings are used to ensure that the device can still be found even when the IP address changes (Weisman, paragraphs

834 – 835). Thus, Weisman teaches that a computer should lookup IP addresses using a DNS server specifically because IP address may change and the device's name can be used to lookup a changed IP address. Weisman's peers clearly do not **bind** network address to peer identifiers.

Thus, the rejection of claim 2 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 31, 49 and 67.

Regarding claim 5, Weisman fails to disclose wherein, to access the other peer node, the unique peer identifier of the other peer node is configured to be mapped to one of the one or more network interfaces of the other peer node. The Examiner cites paragraphs 7 and 63 of Weisman. However, neither of these paragraphs describes a peer identifier being mapped to a network interface of the other peer node. Instead, paragraph 7 describes a device hosting framework that listens for control requests and translates control requests into calls to the service objects' programming interfaces (e.g. IDispatch interfaces). Paragraph 63 describes that service interfaces are written in UTL in service descriptions and how a hosted device provides a COM object that exposes the service's interface. Thus, the Examiner has failed to cite any portion of Weisman that discloses that the unique peer identifier of the other peer node is configured to be mapped to one of the one or more network interfaces of the other peer node. Moreover, nowhere does Weisman describe that a service's UDN, which the Examiner equates to the unique peer identifier Applicants' claims, is configured to be mapped *to a network interface* of a peer node.

In the response to arguments, the Examiner cites paragraphs 36, 37, 67 and 67 of Weisman. The Examiner argues that Weisman's system translates control requests into calls to a service's dispatch interfaces. However, translating control requests into calls to the service objects' programming interfaces (e.g. IDispatch interfaces) does not disclose a unique peer identifier of a peer node configured to be *mapped to a network interface* of the peer node. A programming interface is not a network interface. Weisman teaches that the Device Host listens for and receives control requests and then locates and calls the dispatch interface for the hosted service. Weisman describes a hosted device as a software module that executes on the same machine as the Device Host. Thus, the translation referred to by the Examiner clearly involves the Device Host programmatically invoking the service interface of a hosted device. The Device Host does not translate the control into a network interface nor does it map a UDN to a network interface.

Thus, the rejection of claim 5 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claim 52.

Regarding claim 8, Weisman fails to disclose wherein each of the plurality of peer nodes is assigned a different unique peer identifier in accordance with the peer-to-peer platform for each of the one or more peer groups in which the peer node is a member peer. The Examiner refers to Weisman's container identifier, citing paragraphs 85, 105 and 489. However, Weisman only teaches that a container is a string that identifies the group to which the device belongs and that all devices with the same container identifier will be hosted in the same process. Nowhere does Weisman mention that each peer node is assigned a *different* unique peer identifier *for each of the peer groups* in which the peer node is a member peer. Weisman merely states that a container identifier identifies the group to which a device belongs. Thus, Weisman clearly fails to disclose wherein each of the plurality of peer nodes is assigned a different unique peer identifier in accordance with the peer-to-peer platform for each of the one or more peer groups in which the peer node is a member peer.

In the response to arguments, the Examiner cites paragraphs 1513 and 1539 of Weisman and refers to Weisman's event subscription process. Weisman teaches that a service may publish event messages to interested control points, called subscribers (paragraph 1497). The Examiner refers to the

fact that if a subscription expires, the subscription identifier becomes invalid and the control point sends a subscription message to get a new subscription identifier. First of all, Weisman's subscription identifiers have nothing to do with the container identifiers that the Examiner relies upon in the rejection of claim 8. Furthermore, the fact that each subscriber is provided with a unique subscription identifier has no relevance to a peer node being assigned a different unique peer identifier for each peer group in which the peer node is a member. Weisman's event publishing does not have anything to do with peer group membership.

Therefore, the rejection of claim 8 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 55 and 70.

The Examiner rejected claims 1-20, 30-41 and 48-79 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 7,065,579. Applicants traverse this rejection on the grounds that the Examiner has not stated a proper *prima facie* rejection.

The Examiner supports this rejection by stating that "the applications are claiming common subject matter" and listing three claim terms that the Examiner asserts are common to both the instant application and the '579 patent. The Examiner also states that the '679 patent does not claim the service layer as in the instant application, but asserts that it would have been obvious "that the mechanism for accessing services of [the] '579 patent is ... similar in functionality to the service layer of the instant application." However, stating that the applications claim "common subject matter" and similar functionality is not a proper reason for holding the claims of the present application obvious from the claims of the listed applications. The Examiner's assertions are completely conclusory.

According to MPEP 804.II.B.1, "the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection." This section of the MPEP also states that the same "factual inquiries ... that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are employed when making an obviousness-type double patenting analysis." MPEP 804.II.B.1 also states that the Examiner should list the differences between **each** rejected claim and the claims of the other patent/application, and for **each** difference the Examiner should give the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim is an obvious variation of the invention defined in a claim of the other patent/application.

Simply stating that the instant application and the '579 patent claim "common subject matter" and are "similar in functionality" is not a valid reason why a person of ordinary skill in the art would conclude that the invention defined in each claim is an obvious variation of the invention defined in a claim of the other patent/application. Nor has the Examiner specifically addressed **each difference** of **each claim** of the present application compared to the claims of the other applications. Instead, the Examiner improperly lumped all the claims together and did not address each specific difference. The Examiner clearly has not met the requirements stated in MPEP 804.II.B.1 to establish a *prima facie* obviousness-type double patenting rejection. Accordingly, Applicants respectfully request removal of the double patenting rejection of claims 1-20, 30-41 and 48-79.

Applicants also assert that the rejection of numerous ones of the dependent claims is further unsupported by the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

In light of the foregoing remarks, Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is

necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5760-02000/RCK.

Also enclosed herewith are the following items:

☒ Notice of Appeal

Respectfully submitted,

/Robert C. Kowert/

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